

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ALLEN DOTSON, EDDIE CITCHEN,  
MARK JARVIS, KENNETH OAKLEY,  
CARLTON REEVES, and STEVEN ZENKER,

Plaintiffs,

Case No. 08-CV-13118

v.

ARKEMA, INC.,

Defendant.

/

**ORDER CONCERNING OCTOBER 8, 2008 HEARING**

Pending before the court is a motion to dismiss, filed on August 14, 2008 by Defendant Arkema, Inc. in the above-captioned case. The parties have briefed the matter, and the court will hear argument on October 8, 2008. In the event that the severance plan at issue is governed by the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001, *et seq.*, counsel are advised that in addition to the submitted briefs, the court will hear argument regarding whether ERISA or § 301 of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185, preempts the state law claims, and whether ERISA or LMRA governs if the two statutes conflict. Furthermore, if the court does not fully grant the motion to dismiss, counsel should be prepared for a scheduling conference immediately following the hearing. Accordingly,

IT IS ORDERED that counsel make the appropriate preparations for the October 8, 2008 hearing.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: October 2, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 2, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522